IN THE HGIH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 183 OF 2003

M/s Amonkar Candle Industries,
represented herein by its sole
proprietor, Shri Sadanand V.
Amonkar, P.B. No.769, Comba,
Margao, Goa. ... Petitioner

Versus

1. Goa Industrial Development
Corporation, a statutory
corporation having its
registered office at 2nd
floor, Shri Saraswati Mandir,
Bldg., Panaji, Goa,

2. Estate Officer, Goa Industrial
Development Corporation, a
statutory corporation having
its registered office at
2nd floor, Shri Saraswati
Mandir Bldg., Panaji, Goa,

3. M/s Poultry Breeding Co-
operative Society Ltd.,
B.3-4, Margao Industrial
Estate, Margao, Goa,

4. The Additional District
Judge, South Goa at Margao,
the Appellate Authority
under Section 9 of the
Public Premises (Eviction
of Unauthorised Occupants)
Act, 1971. .. Respondents.

Shri Zeller D'Souza, advocate for the petitioner.

Shri M. S. Sonak, advocate for respondent no.1.

CORAM : F. I. REBELLO, J.
DATE : 12th June, 2003.

ORAL JUDGMENT

The allottee has been duly evicted from the premises belonging to respondent no.1. It is the case of the petitioner that at the time of eviction in fact, he was in possession. His possession is relatable to the

possession of respondent no.3.

It is not possible from the evidence on record, to hold that the petitioner was in possession. The right of the petitioner could have been considered if there were undisputed facts that at the time when possession of the premises were taken by respondent no.1, it was the petitioner who was in possession and was dispossessed without complying with the provisions of the Goa Public Premises (Eviction of Unauthorized Occupants) Act, 1988. That is not the case here. The issue as to who was in possession is a disputed question of fact which cannot be gone into in exercise of the extraordinary jurisdiction of this Court.

In the light of that, no interference is called for. Petition rejected. It is made clear that any other remedy which the petitioner may have for seeking possession or other reliefs does not stand concluded by the order passed herein.

F. I. REBELLO, J.

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